

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOUGLAS S. BROWN, STEPHEN KAWELTI
and JAMES A. PROSSER,

Case No. 05-10713-PBS

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendant.

**DEFENDANT BANK OF AMERICA N.A.'S
MOTION FOR LEAVE TO FILE A REPLY BRIEF**

Now comes Defendant in the above-entitled matter and requests that the Court grant it leave under Local Rule 7.1(B)(3) to file a brief in reply on its motion for partial summary judgment. In support of said request, Defendant states:

1. Defendant filed its opening papers on March 24, 2006. In the intervening three and a half months, several new case decisions have been issued that affect the issues on this motion. Defendant believes the Court's deliberation would be assisted by a brief discussion of the holdings by other courts on these same issues.

2. If leave is granted, Defendant will file its reply within five court days, will confine its comments only to matters in reply, and will limit its submission to under 10 pages.

3. Pursuant to Local Rule 7.1(A)(2), the undersigned contacted plaintiffs' counsel on July 7, 2006 to inquire whether they oppose this motion and was informed that they do not.

Dated: July 7, 2006

BANK OF AMERICA, N.A.

By its attorneys,

/s/ E. Macey Russell

E. Macey Russell, P.C. (BBO #542371)
Choate, Hall & Stewart, LLP
Two International Place
Boston, MA 02110
Tel.: (617) 248-5000
Fax: (617) 348-4000

William L. Stern (Cal. Bar No. 96105)
Admitted pro hac vice
Rebekah Kaufman (Cal. Bar No. 213222)
Admitted pro hac vice
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
Tel.: (415) 268-7000
Fax: (415) 268-7522

CERTIFICATE OF SERVICE

I, E. Macey Russell, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on July 7, 2006.

/s/ E. Macey Russell
E. Macey Russell